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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,407	01/31/2001	Stephen D. Flanagan	13768.196	3841

47973 7590 07/13/2005

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EXAMINER
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FRANCIS, MARK P

ART UNIT	PAPER NUMBER
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2193

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/774,407

Applicant(s)

FLANAGIN, STEPHEN D.

Examiner

Mark P. Francis

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/16/01;09/10/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is responsive to the application filed on January 31, 2001.
2. Claims 1-36 have been examined.

### ***Oath/Declaration***

3. The Office acknowledges receipt of a properly signed oath/declaration filed January 31,2001.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
  5. A person shall be entitled to a patent unless --
    - (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
6. Claims 1-3, 5-22,24-27,39-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Fox. (6,654,786)

### **Independent claims**

With respect to claims 1 and 32, Fox discloses In a system that includes a wireless device and a notification server (e.g. See Fig. 1 and related text), wherein the notification server(e.g. See Fig. 2, element 114 and related text) sends notifications to

Art Unit: 2193

the wireless device(Col 3, lines 42-61, "...wireless personal...") over a low capacity channel, a computer program product for implementing a method of routing the notifications over a high capacity channel instead of the low capacity channel when the high capacity channel is available(e.g. See Figs. 2 and 4 and related text), comprising: a computer readable medium for carrying machine-executable instructions for implementing the method, wherein the method is comprised of computer-executable instructions for performing acts of: (e.g. See Fig. 1, elements 110 and 112 and related text)

detecting the high capacity channel by the wireless device, wherein the wireless device has access to the high capacity channel through a network device; (Col 3, lines 24-61, "...airnet may comprise more than one...different types of networks...", Col 5, lines 17-29, "...through a first wireless network...")

notifying the notification server that the wireless device can receive notifications over the high capacity channel; (Col 5, lines 41-67, "...Web server, to notify..." and See Fig. 2 and related text, Col 6, lines 37-67, "...may be connected to different wireless networks...")

and sending notifications over the high capacity channel, wherein the network device forwards the notifications to the wireless device. (Col 5, lines 41-67, "...pushes an update notification...", Col 6, lines 37-67, "...to send several update notifications..." and See Figs. 2 and 4 and related text )

Art Unit: 2193

With respect to claim 12, Fox discloses In a system including a wireless device and a notification server(e.g. See Fig. 1 and related text), wherein the wireless device and the notification server communicate over a low capacity channel(Col 12, lines 46-67, "...also include a Short Messaging System..."),

a method for the wireless device and the notification server to communicate over a high capacity channel(e.g. See Fig. 4, element 206 and related text), the method comprising steps for:

accessing the high capacity channel (e.g. See Fig. 4, element 206 and related text) by the wireless device; establishing communication over the high capacity channel between the wireless device and the notification server; (Col 12, lines 45-67, "...on its main channel..." and See Fig. 4 and related text)

sending notifications over the high capacity channel instead of the low capacity channel(Col 13, lines 39-67, "...be used to serve notifications to multiple wireless networks...");

and when access to the high capacity channel terminates, resume sending notifications over the low capacity channel. (Col 13, lines 39-67, "...be used to serve notifications to multiple wireless networks...based upon the type of wireless networks...")

With respect to claim 21, Fox discloses In a system including a wireless device and a server, wherein the wireless device receives updates from the server over a first

Art Unit: 2193

channel through a proxy server(Col 13, lines 39-67, "...a single proxy server..."), a method for receiving the updates at the wireless device over a second channel(e.g. See Fig. 4, element 206 and related text), the second channel having higher capacity than the first channel, the method comprising:

an act of providing the wireless device with access to the second channel through a network device when the wireless device is in communication with the network device; (Col 3, lines 24-61, "...airnet may comprise more than one...different types of networks...", Col 5, lines 17-29, "...through a first wireless network...")

an act of contacting the proxy server over the second channel to notify the proxy server that the wireless device has access to the second channel; (Col 13, lines 39-67, "...be used to serve notifications to multiple wireless networks...")

and an act of receiving notifications from the server over the second channel until the wireless device no longer has access to the second channel, wherein the notification are re-routed by the proxy server over the second channel. (Col 13, lines 39-67, "...be used to serve notifications to multiple wireless networks...based upon the type of wireless networks..."(Col 5, lines 41-67, "...Web server, to notify..." and See Fig. 2 and related text, Col 6, lines 37-67, "...may be connected to different wireless networks...")

Art Unit: 2193

With respect to claim 25, Fox discloses In a system including a wireless device and a notification server, wherein the notification server sends a notification to the wireless device through a proxy server over a low capacity channel(Col 12, lines 46-67, "...also include a Short Messaging System..."),

a method for routing the notification over a high capacity channel when the high capacity channel is available(Col 12, lines 45-67, "...on its main channel..." and See Fig. 4 and related text), the method comprising:

an act of detecting that the wireless device has access to the high capacity channel; (Col 3, lines 24-61, "...airnet may comprise more than one...different types of networks...", Col 5, lines 17-29, "...through a first wireless network...")

an act of the proxy server receiving an access notification from the wireless device(Col 5, lines 41-67, "...pushes an update notification...", Col 6, lines 37-67, "...to send several update notifications..." and See Figs. 2 and 4 and related text )

, wherein the access notification informs the proxy server that the wireless device has access to the high capacity channel; (Col 12, lines 45-67, "...on its main channel..." and See Fig. 4 and related text)

an act of the proxy server routing the notification to the wireless device over the high capacity channel instead of the low capacity channel;(Col 13, lines 39-67, "...be used to serve notifications to multiple wireless networks...based upon the type of wireless networks..."(Col 5, lines 41-67, "...Web server, to notify..." and See Fig. 2 and related text, Col 6, lines 37-67, "...may be connected to different wireless networks...")

and an act of the proxy server resuming sending the notification to the wireless device over the low capacity channel when the wireless device no longer has access to the high capacity channel. (Col 13, lines 39-67, "...be used to serve notifications to multiple wireless networks...based upon the type of wireless networks..."(Col 5, lines 41-67, "...Web server, to notify..." and See Fig. 2 and related text, Col 6, lines 37-67, "...may be connected to different wireless networks..."")

Dependent claims

With respect to claims 2 and 27, the rejection of claims 1 and 25 are incorporated respectively and further, Fox discloses wherein the act of detecting the high capacity channel further comprises as act of connecting the wireless device with a network device, wherein the wireless device communicates with the network device over a communication link, wherein the act of connecting the wireless device can occur automatically. (e.g. See Figs. 2, and 4, and related text)

With respect to claim 3, the rejection of claim 2 is incorporated and further, Fox discloses wherein the network device is one of a desktop computer, a blue tooth enabled LAN, and a kiosk. (Col 3, lines 62-67, "...a workstation..."")



Art Unit: 2193

With respect to claim 5, the rejection of claim 2 is incorporated and further, Fox discloses wherein the act of detecting the high capacity channel further comprises an act of communicating with a network device over a communication link. (Col 4, lines 4-18, "...controls radio or telecommunication links...", Col 12, lines 46-67, "...its main channel...", Col 13, lines 39-57, "...to multiple wireless networks...", and e.g. See Figs. 2 and 4, and related text)

With respect to claim 6, the rejection of claim 1 is incorporated and further, Fox discloses wherein the act of notifying the notification server comprises an act of sending an access notification to the notification server, wherein the access notification identifies that the high capacity channel is available for notifications sent to the wireless device. (Col 12, lines 45-67, "...on its main channel..." and See Fig. 4 and related text)

With respect to claim 7, the rejection of claim 1 is incorporated and further, discloses wherein the act of notifying the notification server further comprises an act of providing the notification server with a new address, wherein the notifications are routed to the new address. (Col 13, lines 39-67, "...be used to serve notifications to multiple wireless networks...based upon the type of wireless networks..."(Col 5, lines 41-67, "...Web server, to notify..." and See Fig. 2 and related text, Col 6, lines 37-67, "...may be connected to different wireless networks...")

With respect to claims 8 and 29, the rejection of claims 1 and 26 are incorporated respectively and further, Fox discloses an act of the proxy server determining that the wireless device no longer has access to the high capacity channel. (Col 13, lines 39-67, "...be used to serve notifications to multiple wireless networks...based upon the type of wireless networks..."Col 5, lines 41-67, "...Web server, to notify..." and See Fig. 2 and related text, Col 6, lines 37-67, "...may be connected to different wireless networks..."Col 12, lines 45-67, "...on its main channel..." and See Fig. 4 and related text)

With respect to claim 9, the rejection of claim 8 is incorporated and further, Fox discloses wherein the act of detecting that the wireless device no longer has access to the high capacity channel further comprises an act of sending an acknowledgement to the notification server for each notification received by the wireless device. (Col 12, lines 45-67, "...on its main channel..." and See Fig. 4 and related text)

With respect to claim 10, the rejection of claim 8 is incorporated and further, Fox discloses, wherein the act of detecting that the wireless device no longer has access

Art Unit: 2193

further comprises the act of notifying the notification server over the low capacity channel that notifications can no longer be sent over the high capacity channel. (Col 13, lines 39-67, "...be used to serve notifications to multiple wireless networks...based upon the type of wireless networks..."Col 5, lines 41-67, "...Web server, to notify..." and See Fig. 2 and related text, Col 6, lines 37-67, "...may be connected to different wireless networks...")

With respect to claims 11 and 20, the rejection of claims 1 and 12 are incorporated respectively and further, Fox discloses A computer program product having computer executable instructions for performing the acts recited in claim 1. (See Figs. 1,2, and 4 and related text)

With respect to claim 13, the rejection of claim 12 is incorporated and further, Fox discloses wherein the step for accessing the high capacity channel further comprises: an act for connecting the wireless device with a network device, wherein the network device has an existing access to the high capacity channel; and an act of detecting the high capacity channel by the wireless device. (e.g. See Fig. 4 and related text)

With respect to claim 14, the rejection of claim 12 is incorporated and further, Fox discloses, wherein the act of establishing communication over the high capacity channel further comprises: an act of notifying the notification server, by the wireless device, that

Art Unit: 2193

the wireless device has access to the high capacity channel; (Col 12, lines 46-67,

"...notification request is received...")

an act of providing the notification server with an address such that the wireless device

receives the notifications over the high capacity channel; (Col 6, lines 7-67, "...The

URLs representing...")

and an act of formatting the notifications for transmission over the high capacity

channel. (Col 6, lines 51-67, "...properly formatted...")

With respect to claim 15, the rejection of claim 12 is incorporated and further, Fox

discloses further comprising a step for determining that the wireless device can no

longer receive notifications over the high capacity channel. (Col 13, lines 1-57, "...will

get all the queued pending notifications...")

With respect to claims 16 and 34, the rejection of claims 15 and 32 is incorporated

respectively and further, Fox discloses wherein the step for determining that the

wireless device can no longer receive notifications over the high capacity channel

comprises: an act of sending an acknowledgement by the wireless device for each

notification sent by the notification server; and an act of determining that the wireless

device no longer has access to the high capacity channel if the notification server does

not receive a particular acknowledgement for a particular notification within a

predetermined time period. (Col 12, lines 5-67, "...has permission to access the

notifications...")

With respect to claim 17, the rejection of claim 12 is incorporated and further, Fox discloses further comprising a step for resuming the step for sending notifications over the high capacity channel when the wireless device again has access to the high capacity channel. (Col 7, lines 30-46, "...replace an old notification...", e.g. See Fig. 4 and related text)

With respect to claim 18, the rejection of claim 12 is incorporated and further, Fox discloses further comprising a step for preparing the notification for transmission over the high capacity channel when the wireless device has access to the high capacity channel. (Col 12, lines 45-67, "...on its main channel..." and See Fig. 4 and related text)

With respect to claim 19, the rejection of claim 12 is incorporated and further, Fox discloses further comprising a step for preparing the notification for transmission over the low capacity channel when the wireless device does not have access to the high capacity channel. Col 13, lines 39-67, "...be used to serve notifications to multiple wireless networks...based upon the type of wireless networks..." Col 5, lines 41-67, "...Web server, to notify..." and See Fig. 2 and related text, Col 6, lines 37-67, "...may be connected to different wireless networks...")

Art Unit: 2193

With respect to claim 22, the rejection of claim 21 is incorporated and further, Fox discloses, further comprising an act of receiving notifications over the first channel when the second channel is not available to the wireless device. (Col 12, lines 46-67, "...also include a Short Messaging System..." and e.g. See Fig. 4, and related text)

With respect to claim 24, the rejection of claim 21 is incorporated and further, Fox discloses, further comprising an act of sending notifications over the first channel when the wireless devices loses access to the second channel. (Col 12, lines 46-67, "...also include a Short Messaging System..." and e.g. See Fig. 4, and related text)

With respect to claim 26, the rejection of claim 12 is incorporated and further, Fox discloses, wherein the act of the proxy server routing the notification further comprises an act of formatting the notification for transmission over the high capacity channel. (Col 12, lines 45-67, "...on its main channel..." and See Fig. 4 and related text)

With respect to claim 30, the rejection of claim 29 is incorporated and further, Fox discloses, wherein the act of the proxy server determining that the wireless device no longer has access further comprises:

an act of implementing a timeout for the notification sent to the wireless device;  
and an act of resuming sending the notification to the wireless device over the low capacity channel if an acknowledgement of the notification is not received by the proxy server before the timeout expires. (Col 8, lines 10-67, "...X-Up\_Ntfn-TTL header

specifies how long...")

With respect to claim 31, the rejection of claim 25 is incorporated and further, Fox discloses A computer readable medium having computer executable instructions for performing the acts recited in claim 25. (e.g. See Fig. 1 elements 110,112, and related text)

With respect to claim 33, the rejection of claim 32 is incorporated and further, Fox discloses, wherein the method further comprises: an act of detecting that the wireless device no longer has access to the high capacity channel; and an act of sending notifications over the low capacity channel when the high capacity channel is unavailable to the wireless device. (Col 13, lines 39-67, "...be used to serve notifications to multiple wireless networks...based upon the type of wireless networks..."Col 5, lines 41-67, "...Web server, to notify..." and See Fig. 2 and related text, Col 6, lines 37-67, "...may be connected to different wireless networks...", Col 12, lines 46-67, "...properly formatted...")

With respect to claim 35, the rejection of claim 32 is incorporated and further, Fox discloses, wherein the method further comprises: an act of formatting the notification for transmission over the low capacity channel if the high capacity channel is unavailable; and an act of formatting the notification for transmission over the high capacity channel

Art Unit: 2193

when the wireless device has access to the high capacity channel. (Col 6, lines 51-67, "...properly formatted...", Col 7, lines 22-45, "...properly formatted...", Col 9, lines 41-60, "...properly formatted...")

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4,23, 28, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fox in view of Slaughter. (6,898,618)

Regarding claims 4 and 28,

the rejection of claims 2 and 27 are incorporated respectively and further,

Fox does not show wherein the communication link is provided by a network device, the communication link being one of: a serial link, a universal serial bus link, a wireless Bluetooth link, and an infrared link.



Slaughter shows wherein the communication link is provided by a network device, the communication link being one of: a serial link, a universal serial bus link, a wireless Bluetooth link, and an infrared link (Col 78, lines 18-55, "...Bluetooth..." and Col 105, lines 42-67, "...infrared such...") in an analogous system for the purpose of providing a simple way to connect various types of intelligent devices to allow for communication and sharing of resources while avoiding the interoperability and complex configuration problems existing in conventional networks. (Col 2, lines 1-5)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include network communication links that contain infrared and Bluetooth links to Fox's invention.

The modification would have been obvious because one of ordinary skill in the art would have been motivated to provide a simple way to connect various types of intelligent devices to allow for communication and sharing of resources while avoiding the interoperability and complex configuration problems existing in conventional networks. (Col 2, lines 1-5)

Regarding claim 36,

The rejection of claim 32 is incorporated respectively and further,

Art Unit: 2193

Fox does not show wherein the method further comprises an act of docking the wireless device with the network device.

Slaughter shows wherein the method further comprises an act of docking the wireless device with the network device(Col 105, lines 29-67, "...docking stations...") in an analogous system for the purpose of providing a simple way to connect various types of intelligent devices to allow for communication and sharing of resources while avoiding the interoperability and complex configuration problems existing in conventional networks.(Col 2, lines 1-5)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include docking the wireless devices with the network device to Fox's invention.

The modification would have been obvious because one of ordinary skill in the art would have been motivated to provide a simple way to connect various types of intelligent devices to allow for communication and sharing of resources while avoiding the interoperability and complex configuration problems existing in conventional networks.(Col 2, lines 1-5)

Art Unit: 2193

Regarding claim 23,

The rejection of claim 21 is incorporated respectively and further,

Fox does not show wherein the act of providing the wireless device with access to the second channel further comprises an act of connecting the wireless device at a docking station, the docking station having a communication link with the network device that provides the wireless device has access to the second channel through the network device.

Slaughter shows wherein the act of providing the wireless device with access to the second channel further comprises an act of connecting the wireless device at a docking station, the docking station having a communication link with the network device that provides the wireless device has access to the second channel through the network device (Col 105, lines 29-67, "...docking stations may be provided...") in an analogous system for the purpose of providing a simple way to connect various types of intelligent devices to allow for communication and sharing of resources while avoiding the interoperability and complex configuration problems existing in conventional networks. (Col 2, lines 1-5)

Art Unit: 2193

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include docking the wireless devices with the network device to Fox's invention.

The modification would have been obvious because one of ordinary skill in the art would have been motivated to provide a simple way to connect various types of intelligent devices to allow for communication and sharing of resources while avoiding the interoperability and complex configuration problems existing in conventional networks.(Col 2, lines 1-5)

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark P. Francis whose telephone number is (571) 272-7956. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2193

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark P. Francis

Patent Examiner

Art Unit 2193

*Mark P. Francis*  
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